

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Paul Cross,

PETITIONER

v.

M. Cruz, Warden FCI Williamsburg,

RESPONDENT

Case No. 1:14-cv-00089-TLW

Order

Before the Court is Petitioner Paul Cross's Motion for Reconsideration of the Court's Order accepting the magistrate judge's Report and Recommendation ("R&R") and denying Petitioner's § 2241 petition.

A Rule 59(e) motion may only be granted "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice. It is an extraordinary remedy that should be applied sparingly." *Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012) (citations omitted).

Petitioner raises two grounds in his motion: (1) that the Court did not properly apply § 2255's savings clause analysis; and (2) that the Court did not apply the correct standard in reviewing the R&R. Regarding the first ground, the Court carefully reviewed the filings in this case, and after that review, the Court agreed with and accepted the R&R's conclusions regarding § 2255's savings clause for the reasons correctly stated by the magistrate judge. Regarding the second ground, the Court's citation to *Wallace v. Housing Authority of City of Columbia*, 791 F. Supp. 137 (D.S.C. 1992) was to explain the standard a district judge employs when reviewing a magistrate judge's R&R, not to set forth a standard for analyzing a case purportedly brought

under § 2255's savings clause. There is no merit to either ground Petitioner raises in his motion for reconsideration.

The Court has reviewed the motion and related filings, and after careful consideration, the Court finds that Petitioner has not set forth sufficient grounds to cause the Court to alter or amend its prior Order. Accordingly, Petitioner's motion for reconsideration, (Doc. #20), is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

September 29, 2014
Columbia, South Carolina